IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

Bail Appl..No. 7630 of 2006()

CR. REG.NO. 80/04 OF CJ,M, CHITTORGARH, RAJASTHAN

PETITIONER :

SMT. ALICE VINCENT
PROPRIETRIX, M/S. THE SUB ROCK MARBLES, NELLIKUNNU, THRISSUR-5

BY ADV. SRI.K.SRIKUMAR
SRI.K.MANOJ CHANDRAN

RESPONDENTS:

1. STATE OF KERALA REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

2. THE SUPERINTENDENT OF POLICE, THRISSUR

3. THE SUB INSPECTOR OF POLICE, MANNUTHY POLICE STATION
MANNUTHY, THRISSUR

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 7630 of 2006

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Dated, this the 19th day of December 2006

ORDER

Petitioner, a lady, seeks anticipatory bail alleging that cheques issued by the petitioner in favour of M/s. Shital Marbles, Chittorgarh, Rajasthan, as security have been misused so as to treat them as valid negotiable instruments for a prosecution under Sec. 138 of the Negotiable Instruments Act, 1881. The petitioner has expressed her readiness to appear before the Court of the Chief Judicial Magistrate, Chittorgarh, Rajasthan, where the case is stated to be pending as C.R. Reg. No. 80/04 and apply for regular bail.

2. Having regard to the above facts of the case, I am inclined to grant anticipatory bail to the petitioner. In the light of the decision reported in **Madhusoodan v. Supdt. of Police - 1992 (2) KLT 83** the apprehension entertained by the petitioner of arrest by the police within the limits of the State of Kerala is well-founded. I am therefore, inclined to grant anticipatory bail to the petitioner. Accordingly, a direction is issued to respondents 2 and 3 to release the petitioner on bail in the event of her arrest in connection with the aforesaid case on the petitioner executing a bond for Rs. 10,000/-

(Rupees ten thousand only) with two solvent sureties each for the like about to the satisfaction of the said respondents and also subject to the following conditions:-

i) The petitioner shall appear before the trial court in Chittorgarh, Rajasthan, within two months from today and apply for regular bail.

ii) The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to her shall be liable to be cancelled.

This bail application is allowed as above.

Sd/-V. RAMKUMAR,
(JUDGE)

ani.

/true copy/

P.A. to Judge.